

CHAPTER 62
REGISTRATION OF IOWA-FOALED
HORSES AND IOWA-WHELPEL DOGS
[Prior to 7/27/88, see Agriculture Department 30—Ch 14]

21—62.1(99D) Definitions. For purposes of this chapter, unless a different meaning is clearly indicated by the context:

“*Bona fide Iowa resident*” means a person who has resided in Iowa for six months prior to the date of registration of the stallion.

“*Breeder of a greyhound dog*” means the owner of the pup(s) at the time of whelping.

“*Breeder of a standardbred and quarter horse*” means the owner of the brood mare at the time of breeding.

“*Breeder of a thoroughbred*” means the owner of the brood mare at the time the foal is dropped.

“*Department*” means the Iowa department of agriculture and land stewardship.

“*Onionskin*” means an original individual greyhound application form of the National Greyhound Association.

“*Owner of a thoroughbred stallion,*” “*owner of a standardbred stallion*” or “*owner of a quarter horse stallion*” means a bona fide Iowa resident who owns at least 51 percent of a thoroughbred, standardbred or quarter horse stallion for one service season or more.

“*Secretary*” means the Iowa secretary of agriculture.

21—62.2(99D) Iowa horse and dog breeders’ fund. Iowa-foaled horses and Iowa-whelped dog records and breeder payments:

The department will establish and maintain a records system entitled the “Iowa Horse and Dog Breeders’ Fund.” This records system will feature a list of thoroughbred, standardbred and quarter horses who have qualified to be Iowa-foaled horses, as well as a listing of all greyhound dogs that have qualified to be Iowa-whelped dogs.

A sum equal to 12 percent of the purse won by an Iowa-foaled horse or Iowa-whelped dog shall be used to promote the horse and dog breeding industries. This percentage shall be applicable to all races that are limited to Iowa-foaled horses or Iowa-whelped dogs as well as all other races which are won by Iowa-foaled horses or Iowa-whelped dogs.

The 12 percent shall be withheld by the licensee from the breakage and shall be paid at the end of the race meeting to the state department of agriculture and land stewardship which, in turn, shall deposit it in a special fund to be known as the “Iowa Horse and Dog Breeders’ Fund” and pay it by December 31 of each calendar year to the breeder of the winning Iowa-foaled horse or the breeder of the Iowa-whelped dog.

62.2(1) All foals/horses qualified through the department to be Iowa-foaled horses and dogs qualified to be Iowa-whelped will be listed by a department registration number. The Iowa-foaled horse mare breeder(s) at the time of foaling, or the owner of the standardbred and quarter horse brood mare at the time of breeding, or the owner of the dog, as a pup, at the time of whelping, shall be properly recorded with a registration number.

62.2(2) A race track licensee shall hold at least one race on each racing day limited to Iowa-foaled horses or Iowa-whelped dogs. However, if sufficient competition cannot be had among that class of horses or dogs on any day, another race for the day may be substituted.

62.2(3) As the department receives this money from the licensee, the department shall credit each horse or dog, by registration number, with the amount. At the end of each calendar year, the department shall pay the amount credited to winning Iowa-foaled horses or Iowa-whelped dogs to the Iowa-foaled horse breeder or to the Iowa-whelped dog breeder.

62.2(4) The department will implement and maintain a system of keeping the Iowa state racing commission informed and updated relative to all horses and dogs which are eligible to race as Iowa foaled or Iowa whelped.

62.2(5) The department shall have the authority to inspect the premises to verify that the animals are maintained under conditions appropriate to each species to ensure that the animals are properly cared for and that the standards of proper animal welfare are met.

21—62.3(99D) Forms. The following forms to qualify thoroughbred, standardbred and quarter horses as registered and certified Iowa-foaled horses and to qualify dogs as registered and certified Iowa-whelped dogs are available and can be obtained from the department. The forms shall provide for the applicant to certify the truthfulness and accuracy of the information.

62.3(1) *Thoroughbred, standardbred, quarter horse.*

- a. Application for Iowa Stallion Eligibility Certificate, Form S-1.
- b. Iowa Stallion Eligibility Certificate, Form S-2.
- c. Record of Mares Bred, Form S-3.
- d. Brood Mare Registration Application, Form M-4.
- e. Mare Status Report, Form M-5.
- f. Mare Transfer of Ownership, Form M-6.
- g. Application for Iowa-foaled Registration, Form I-6.
- h. Certificate for Iowa-foaled Status, Form I-7.

62.3(2) *Greyhound.*

- a. Application for Iowa-whelped Litter Registration, Form GH-1.
- b. Application for Iowa-whelped Individual Registration, Form GH-2.
- c. Bitch Information Report, Form GH-3.

21—62.4(99D) Disciplinary actions.

62.4(1) A person shall not knowingly provide false information to the department. If the department finds that a person knowingly furnished false information to the department relating to the registration of a horse or dog under these rules, then the department may deny, temporarily suspend, or permanently suspend all registrations and eligibility certificates by or on behalf of the person. The department may withhold payment of breeder's awards to a breeder if the breeder is not in compliance with Iowa Code chapter 162, 717, or 717B or rules adopted pursuant to those chapters. If a breeder does not come into compliance, the department may deny the registration of a breeder's litters, dogs or foals. In addition, the department may temporarily or permanently suspend previously approved registrations.

62.4(2) Upon receipt of information from the Iowa racing and gaming commission that a person has been disqualified from licensure (suspended for 365 days or denied), the department shall deny, temporarily suspend, or permanently suspend all registrations and eligibility certificates by or on behalf of the person. The department may determine horses certified as Iowa-foaled horses or dogs certified as Iowa-whelped dogs prior to commission action are eligible to race as Iowa-foaled or Iowa-whelped; however, the disqualified person is denied receipt of moneys from the Iowa horse and dog breeders' fund. If the Iowa racing and gaming commission subsequently grants licensing privileges to a previously disqualified person, the department shall make an independent determination as to the person's eligibility to have registrations and eligibility certificates by or on behalf of the person reinstated or granted.

62.4(3) Whenever action is taken under this rule, the department shall remit the withheld breakage to the breakage pool at the track where the money was generated. In such cases, the money shall instead be retained by the racetrack and distributed in the manner as provided in Iowa Code section 99D.12.

62.4(4) The registration of an Iowa-foaled horse or an Iowa-whelped dog shall not be denied or suspended under this rule if either of the following applies:

a. The horse or dog had previously been owned by the person subject to discipline, but the horse or dog had been, in good faith, transferred to another person prior to the imposition of discipline by the department. The department, however, may still impose the discipline if the department determines that the purpose of the transfer was to circumvent the discipline.

b. The horse or dog is in the possession of or under the control of a person subject to discipline but the person has never had an ownership interest in the horse or dog.

21—62.5(99D) Access to premises and records. The department inspectors shall have access to records and to the premises on which qualified Iowa-whelped dogs and Iowa-foaled horses are kept.

21—62.6 to 62.9 Reserved.

THOROUGHBRED DIVISION

21—62.10(99D) Iowa thoroughbred stallion requirements. To qualify as an Iowa thoroughbred stallion, a stallion must be certified by and registered with the department.

62.10(1) No person shall be issued an Iowa Stallion Eligibility Certificate who is not a bona fide resident.

62.10(2) All Iowa registered stallions must meet one of the following qualifications:

a. Stallions that have previously bred a mare in any state must have residency in Iowa from January 1 through December 31 of the first year of service as a registered Iowa stallion. Further, all stallions meeting this residency requirement must be registered with the department as a registered Iowa stallion the year prior to standing.

b. Stallions that have not previously bred a mare in any state must have residency in Iowa from its registration with the department as a registered stallion through December 31 of the year of registration.

62.10(3) Any false information submitted by applicant for an Iowa Stallion Eligibility Certificate shall be grounds for denial of registration and certification.

21—62.11(99D) Notification requirements. The owner or owner's authorized representative must give immediate notification to the department if the stallion leaves the state. If the stallion leaves the state for breeding purposes, the Iowa Stallion Eligibility Certificate will be invalidated. Subsequently, if the owner(s) wishes to return the stallion to service in Iowa, the original application procedure will be required. If an Iowa registered stallion is moved within Iowa to stand at another location, the department must be notified before the stallion is offered for service at the new Iowa location. If an Iowa registered stallion is moved, temporarily, to another state for medication, its certification will remain valid as long as the department is properly notified.

21—62.12(99D) Stallion qualification and application procedure. To qualify a stallion as an Iowa registered stallion the owner is required to complete the application for an Iowa Stallion Eligibility Certificate and forward it to the Horse Racing Section, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319. The issuance of an Iowa Stallion Eligibility Certificate by the department is contingent on the stallion being registered and certified by the department. This certificate shall be valid as long as all stallion residency and notification procedures are properly met.

62.12(1) Rescinded, effective 6/13/86.

62.12(2) In the event of a sale or transfer of ownership of a thoroughbred stallion, qualified with the department, the transfer of ownership shall be executed on the back of the Iowa Stallion Eligibility Certificate for that stallion and endorsed certificate forwarded to the department.

62.12(3) If 51 percent of the new ownership is a bona fide Iowa resident(s) and wishes to qualify the stallion as an Iowa stallion, then the new owner(s) must submit an application for an Iowa Stallion Eligibility Certificate, a copy of the bill of sale and meet all other department requirements.

62.12(4) The Iowa Stallion Eligibility Certificate shall be available for inspection by a department inspector on the premises where the stallion stands.

This rule is intended to implement Iowa Code section 99D.22.

21—62.13(99D) Application information. Every person wanting to offer or stand a stallion as an Iowa registered stallion must file with the department a written application, utilizing Form S-1, and providing the following:

1. Name of stallion;
2. The name(s) of the owner(s) and address(es);
3. The place where the stallion stood for service during the previous year;
4. The place where the stallion will stand for service;
5. Statement that a minimum of 51 percent of the stallion is owned by a bona fide resident(s) of Iowa, and that the stallion will not stand for service any place outside the state of Iowa during the calendar year in which the foal is conceived;
6. Details concerning right of ownership, such as a bill of sale, contract or other documents providing proof of ownership, which must show any agreements concerning breeding rights, repurchase agreements and other types of concessions; and any other relevant information requested by the department;
7. An official certificate of registration from the Jockey Club of New York, which will be returned within ten working days to the applicant.

This rule is intended to implement Iowa Code section 99D.22.

21—62.14(99D) Breeding record—report of mares bred. Every person offering or standing any stallion for services as an Iowa registered stallion shall maintain a complete breeding record of the stallion and all mares of any breed bred to the stallion.

62.14(1) Such records shall be available to the department for inspection by a department inspector and shall include the following information:

- a.* The name of the mare;
- b.* The dam and sire of the mare;
- c.* The name and address, including zip code, of the owner(s) of the mare;
- d.* The first and last dates on which the stallion was bred to the mare;
- e.* The place where the stallion was standing for service at the time of the breeding of the mare;
- f.* The person(s) in charge of the stallion at the time of service to the mare, and any other relevant information requested by the department.

62.14(2) A report entitled “Record of Mares Bred” must be filed with the department by September 1 of each year. The report must be filed on Form S-3 provided by the department.

21—62.15(99D) Iowa-foaled horses and brood mares. To qualify for the “Iowa Horse and Dog Breeders’ Fund” program, horses must be Iowa foaled.

62.15(1) All thoroughbred horses foaled in Iowa prior to January 1, 1985, which are registered by the Jockey Club as Iowa foaled, shall be considered to be Iowa foaled.

62.15(2) After January 1, 1985, eligibility for brood mare residence shall be achieved by meeting at least one of the following rules:

- a.* Thirty days’ residency until the foal is inspected by a department inspector if in foal to a registered Iowa stallion.
- b.* Thirty days’ residency until the foal is inspected by a department inspector for brood mares which are bred back to registered Iowa stallions.
- c.* Continuous residency from December 31 until the foal is inspected by a department inspector if the mare was bred by other than an Iowa registered stallion and which is not bred back to an Iowa registered stallion.
- d.* Rescinded IAB 8/31/94, effective 10/5/94.

62.15(3) Except as provided in this subrule, a foal shall not be eligible for Iowa-foaled status if the mare and foal leave or are removed from the state before the foal is inspected by a department inspector. However, a foal may be registered if it left or was removed from the state prior to inspection by the department inspector if all of the following conditions are met.

- a.* The owner or agent of the owner of the foal has contacted the department in writing or by fax. The written or faxed notification must be received by the department at least 72 hours prior to the time the mare and foal are to be removed from the state.
- b.* The department has been unable to get an inspector to the location where the mare and foal are located prior to their being moved from the state.
- c.* The owner of the foal submits a signed, dated and notarized affidavit executed by a veterinarian licensed to practice in Iowa. The affidavit must attest that the veterinarian saw the foal within seven days of its birth, that the veterinarian has reason to believe that the foal was born in Iowa, and the basis for the veterinarian’s belief that the foal was born in Iowa. In addition, the affidavit shall also contain the name of the dam, the state number of the dam, the sex and a physical description of the foal, the date of the birth and the foaling address. It must be postmarked to the department no more than ten days after foaling.
- d.* The owner has filed a timely mare status report on the mare of the foal.